

FAX MESSAGE Number of pages, including this cover page 5

Date: Tuesday, June 24, 2008

Subject: Application No. 10/735,581 (Attorney Docket No. JP920030275US1)

To: Ex. Edward Zee

Fax: 571-270-2686

Voice: 571-270-1686

From: Anthony England

Fax: 512-322-0211

Voice: 512-477-7165

Enclosed is a request for telephone interview for the subject application.

Regards,



Anthony England

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/725581 First Named Applicant: Palliyil
Examiner: Edward Zee Art Unit: 2135 Status of Application: _____

Tentative Participants:

(1) Examiner Zee (2) Attorney England
(3) _____ (4) _____

Proposed Date of Interview: 6/25/08 Proposed Time: 10:00 (AM/PM)
EST

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>I2ex</u>	<u>1</u>	<u>Glover</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

Brief Description of Arguments to be Presented:

see attached & reply filed 6/20/08

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

ANTHONY ENGLAND

Typed/Printed Name of Applicant or Representative

35,129

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Regarding amendments to claims submitted in Applicant's reply of June 20, 2008, Support is found in the original application, as published, in the following passage, among others:

[0081] If a virus was known to have been created after a file was virus-scanned and classified as virus free, an identification of matching hash values could still confirm that the file is not contaminated by that virus. This statement is true even if the initial virus scan was incapable of recognizing the new virus. Since the virus could not have contaminated the file before the virus existed, the original hash value represents a resource which could not have been infected by that virus at that time. However, because of the difficulty determining the date of creation of a virus, one embodiment of the invention re-scans each resource each time new virus definitions become available. Described in the following paragraphs is an alternative to re-scanning all files as soon as new virus definitions become available. The alternative includes prioritizing re-scanning according to the likelihood of infection by a previously undetected virus.

[0082] Periodically, hashes of the files on client data processing systems are reported to the pool server. The pool server records the information about the source of the hash and the time at which it was found to exist. Antivirus scanning is performed for all files corresponding to newly discovered hashes that do not already exist in the pool server's repository of hashes. The scanning may be performed either on the pool server or on the client data processing system at which the resource is stored. However, those hashes that were at least twice observed on the network and found to be virus-free in all previous virus scans are treated in a special way. The hash value corresponding to a resource is time-stamped when a virus scan is performed--this applies to all resources. If the difference ($T_2 - T_1$) between the earliest and latest timestamps (T_1 and T_2) of virus scans of a resource exceeds a certain threshold (which may be a user-configurable parameter) and the hash value of the resource is unchanged since T_1 , the resource is classified a low priority resource for virus scanning. The threshold period must be sufficient that there is only a low likelihood that a virus could have existed at time T_1 and yet remained undetected by virus scans up to and including the scan at time T_2 .

[0083] If virus definitions are changed, the low priority resources are not re-scanned immediately but instead their re-scanning is deferred until a period of very low system activity. In some cases, the resources may be excluded from the requirement for a virus scan and confirmed as 'virus free' without applying the new virus definitions, on the basis that the likelihood of infection prior to T_1 is very low for a given time difference ($T_2 - T_1$).

[0084] The current antivirus scan, which is performed due to the availability of new virus definitions, is therefore applied to any new bit patterns found within the network and other resources not classified as low priority, since these resources are far more likely to contain viruses than those classified as low priority. If the files classified as low priority for virus scanning are

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scanned later, when system usage is low, any virus which is identifiable using the new virus definitions will eventually be identified.

[0085] Typically, a large percentage of all the files on the network would be classified as low priority for virus scanning, and so the deferral of re-scanning may provide a significant optimization. The deferral may defer identification of viruses which existed at time T1 and were undetected by time T2, but this risk may be considered acceptable if the deferral of virus scanning for some resources enables more efficient use of processing cycles. This is explained below. Since the match between hash values confirms that no virus infection has occurred since time T1, and no virus was detected in the scan performed at time T2, the only possible virus infections are viruses which infected the resource before time T1 and yet remained undetected at time T2. For at least the viruses which replicate themselves efficiently, the probability of the virus remaining undetected decreases very quickly over time. Therefore, the proportion of viruses which could have existed at time T1 and yet remained undetectable by antivirus programs until time T2 can be assumed to be very small for a suitably large period (T2-T1). Since the probability of a virus infection is therefore very low given matching hash values and a suitable large period (T2-T1), rescanning in response to new virus definitions can be deferred until a convenient time at relatively low risk.

From this passage it should be understood that instead of scanning all resources (e.g., files) as soon as new virus definitions become available, only some of the resources are scanned right away, which is according to their priority. Present application as published, paragraph 0081. The resources that are not scanned, or at least not scanned right away, are low priority. Present application as published, paragraph 0082. While the low priority resources are excluded from immediate scanning upon new virus definitions becoming available, others (referred to in the claims as high priority resources) are not. See present application as published, paragraph 0084 ("The current antivirus scan, which is performed due to the availability of new virus definitions, is therefore applied to any new bit patterns found within the network and other resources not classified as low priority . . .").

The low priority resources are those that have unchanged hashes and that have been determined virus free in at least two prior scans that are at least a predetermined time interval apart. Present application as published, paragraph 0082. Correspondingly, those resources that are high priority are those having *not* having unchanged hashes, or that have *not* been determined virus free in at least two prior scans, or where the two prior scans are *not* at least a predetermined

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time interval apart. These high priority resources logically include those that are "i) resources determined to be virus free in both the first scanning instance and the second scanning instance but not having equal hash values in the first and second update times, ii) resources determined to be virus free in both the first scanning instance and the second scanning instance but wherein the scanning interval is less than a predetermined threshold, iii) resources determined to be virus free in the first scanning instance and having equal hash values in the first and second update times but wherein the scanning interval is less than a predetermined threshold, and iv) resources determined to be virus free in the second scanning instance and having equal hash values in the first and second update times but wherein the scanning interval is less than a predetermined threshold." Claims 53 and 57. They also logically include those that are "iv) resources determined to be virus free in the second scanning instance but wherein the scanning interval is less than a predetermined threshold." Claim 49. Additionally, the high priority resources logically include others not recited in the claims, such as resources determined to be virus free in the first scanning instance but not in the second scanning instance, resources determined to be virus free in the second scanning instance but not in the first scanning instance, etc.